

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case Number: 99-80714

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

SYLVESTER SMITH,

Defendant.

_____ /

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS INDICTMENT (DOCK.
NO. 70)**

Now before the Court is Defendant's Motion to Dismiss Indictment Because United States District Court Lacked Jurisdiction to Try this Case (Dock No. 70).

On March 21, 2000, Defendant plead guilty to Count IV of the indictment, Distribution of Cocaine Base. Subsequent to that plea, on January 3, 2007, Defendant filed the instant Motion to Dismiss the Indictment. In his motion, Defendant argues that the district court lacked jurisdiction because the offenses were committed within the jurisdiction of the State of Michigan. Defendant contends that his case should have been prosecuted by the State of Michigan.

Having considered the entire record, the Court DENIES Defendant's motion as frivolous.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: May 25, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 25, 2007.

s/Denise Goodine

Case Manager